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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,372	09/19/2003	Marc Holness	NOR-034 (15632RO)	8497
32836	7590	03/21/2007	EXAMINER	
GUERIN & RODRIGUEZ, LLP			BLOUNT, STEVEN	
5 MOUNT ROYAL AVENUE			ART UNIT	PAPER NUMBER
MOUNT ROYAL OFFICE PARK				
MARLBOROUGH, MA 01752			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/21/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/666,372	HOLNESS ET AL.
	Examiner	Art Unit
	Steven Blount	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 January 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1- 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1- 20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. Prosecution is hereby reopened in view of the new grounds of rejection presented below.

2. Claims 1 – 8 and 19 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 7,043,541 to Bechtolsheim et al.

With regard to claim 1, Bechtolsheim et al teaches managing a service across an optical network, wherein a service report message 70 (see figure 2) is generated at each service termination point. See Col 5 lines 25 – 37, lines 50 – 65, and col 6 lines 21+, col 7 lines 6+, col 10 lines 55+, and col 2 lines 58+. Transmitting the message to the other point over a service channel is taught in col 9 lines 50+, and col 10 lines 14+.

With regard to claim 2, intermediate node monitoring is taught in col 7 lines 60+.

With regard to claim 3, assessment is taught in col 5 lines 40+.

With regard to claim 4, scheduling is taught in col 10 lines 5+.

With regard to claim 5, see col 7 lines 60+.

With regard to claim 6 - 7, service query is taught in col 9 lines 48+.

With regard to claim 8, change of state via a command is taught in col 10 lines 27+.

With regard to claim 19 - 20, see the rejection of claim 1 and note the transport interface described in col 7 lines 8+.

3. Claims 10 - 18 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 7,043,541 to Bechtolsheim et al.

With regard to claim 10, Bechtolsheim et al teaches the invention as described

above, but does not explicitly teach a "network – to network interface". However, a router is taught in figure 3A, such that one of ordinary skill in the art at the time of the invention would have found the provision of a network-to-network interface (ie, multiple networks) obvious such that the measurement of network service operation can be carried out over a larger field of operation.

With regard to claim 11, the header of information containing the service data contains at least 24 bytes as described in col 8 lines 65+, although this is not appreciably different and only an obvious variation of having only one byte in view of the amount of information carried.

With regard to claim 12, it would have been obvious to use generic client management frames in view of the fact that clients use the networks support by the router wherein a generic frame would make the implementation more universally acceptable.

With regard to claim 13, note the use of service report messages discussed above.

With regard to claim 14, see col 6 line 25+ and figure 3a (end points 26) with regard to the first and second network elements being edge service switches.

With regard to claim 15, see core switches 28 in figure 3A.

With regard to claim 16, note use of Ethernet, which is an asynchronous service.

With regard to claim 17, having an optical network with different service providers (first and second) would have been obvious, because more diverse services can be supported this way.

With regard to claim 18, see col 6 line 34 and note that it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a service provider to manage the network 22 shown in figure 3A in view of the large number of network elements and router 24.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 7,043,541 to Bechtolsheim et al in view of U.S. patent 7,000,149 to Chia et al.

Bechtolsheim et al teaches the invention as described above, but does not teach A test signal that verifies connectivity in a loopback condition.

Chia et al teaches using a test signal (see member 500 in fig 4A and note col 1 lines 55+) for testing connectivity in a loopback condition. See also col 1 lines 66+ and col 5 lines 45+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Bechtolsheim et al with a means for testing a loopback condition in light of the teachings of Chia et al in order to provide a convenient means for testing the functionality of the system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 703-305-0319. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Seema Rao, can be reached on 571 - 272 - 3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seema S. Rao
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SUPERVISORY PATENT EXAMINER
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3/08/07